

Jonathan M. Baum (SBN 303469)

jbaum@steptoe.com

STEPTOE LLP

One Market Plaza

Steuart Tower, Suite 1070

San Francisco, California 94105

Telephone: (415) 365-6700 / Facsimile: (415) 365-6699

Geoffrey L. Warner (SBN 305647)

gwarner@steptoe.com

Nicolena F. Farias-Eisner (SBN 336158)

nfariaseisner@steptoe.com

STEPTOE LLP

633 West Fifth Street, Suite 1900

Los Angeles, California 90071

Telephone: (213) 439-9400 / Facsimile: (213) 439-9559

Attorneys for Defendant

UNIVERSITY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
JOHN DOE 7, JOHN DOE 8, JOHN DOE 9,
JOHN DOE 10, JOHN DOE 11, JOHN DOE
12, JOHN DOE 13, and JOHN DOE 14
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, THE UNIVERSITY OF
SAN FRANCISCO, ANTHONY N. (AKA
NINO) GIARRATANO, and TROY
NAKAMURA,

Defendants.

Case No. 3:22-cv-01559-LB

**DEFENDANT UNIVERSITY OF SAN
FRANCISCO'S STATEMENT IN
SUPPORT OF SEALING REQUEST
(ECF No. 299)**

Civil Local Rule 79-5(f)

Judge: Hon. Laurel Beeler

Trial Date: None Set

ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL

Pursuant to Civil Local Rule 79-5(f), Defendant University of San Francisco (“USF”) submits this statement in support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should be Sealed (ECF No. 299), which pertains to the following items all filed on February 6, 2025: (i) Exhibits 2-12, 14, and 16-19 to Plaintiffs’ Declaration of Jonathan D. Selbin in Support of Plaintiffs’ Reply in Support of Plaintiffs’ Motion for Class Certification (“Selbin Declaration”) (ECF Nos. 300-3 through 300-13, 300-15, and 300-17 through 300-20); (ii) portions of Exhibit 20 to the Selbin Declaration, the Supplemental Expert Report of Robert Boland, J.D. (ECF No. 300-21); (iii) Exhibit A to Plaintiffs’ Declaration of Elizabeth A. Fegan in Support of Plaintiffs’ Reply in Support of Plaintiffs’ Motion for Class Certification (“Fegan Declaration”) (ECF No. 300-23); (iv) portions of Plaintiffs’ Reply in Support of Plaintiffs’ Motion for Class Certification (ECF No. 300); and (v) portions of the Fegan Declaration (ECF No. 300-22).

The materials subject to sealing were marked by Defendants University of San Francisco, Anthony N. Giarratano, or Troy Nakamura as “Confidential” or “Highly Confidential” under the Stipulated Protective Order that has been entered in this case. Many of the materials contain confidential information and testimony from a private arbitration between USF and Coach Giarratano that relates to this matter. Although the Court recently ruled that some portions of the arbitration materials are discoverable, this does not affect their confidential status under the protective order.

Other materials, including Plaintiffs’ expert report, are appropriately subject to sealing because they include specific personal information regarding individual employees and USF students or quotations from testimony during the arbitration. The materials filed under seal also contain the names of the Plaintiffs and their family members, which Plaintiffs have sought to maintain as confidential throughout this proceeding.

For the foregoing reasons, USF respectfully requests that this Court keep sealed ECF Nos. 300, 300-3 through 300-13, 300-15, 300-17 through 300-23.

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1 Dated: February 13, 2025

Respectfully submitted,

2 STEPTOE LLP

3 By: /s/ Jonathan M. Baum
4 Jonathan M. Baum (SBN 303469)
5 Geoffrey L. Warner (SBN 305647)
6 Nicolena F. Farias-Eisner (SBN 336158)

7 *Attorneys for Defendant*
8 UNIVERSITY OF SAN FRANCISCO
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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record who receive CM/ECF notifications.

By: /s/ Jonathan M. Baum
Jonathan M. Baum